

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION
AND LIABILITY ACT (CERCLA)

14-41. Deferral of the CERCLA Section 120(h)(3)(A)(ii)(I) Covenant
Requirement for Parcels of Real Property at Federal Facilities
Listed on the National Priorities List (NPL).

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended by the National Defense Authorization Act of 1997, to defer under CERCLA section 120(h)(3)(C)(i), with concurrence of the Governor or his delegatee, the covenant requirement under 120(h)(3)(A)(ii)(I) with respect to real property located at a Federal facility that is listed on the National Priorities List, after a determination that property is suitable for transfer. The finding of suitability to transfer must include the criteria set forth in CERCLA section 120(h)(3)(C)(i).
2. TO WHOM DELEGATED. Director, Hazardous Site Cleanup Division.
3. LIMITATIONS. The delegatee must notify the Assistant Administrator for Solid Waste and Emergency Response or his/her designee prior to exercising this authority, at the time the Federal agency requesting deferral provides notice of the proposed transfer as required by CERCLA section 120(h)(3)(C)(i)(III).
4. REDELEGATION AUTHORITY. This authority may not be redelegated.
5. ADDITIONAL REFERENCES.
 - a. Section 120 of CERCLA.
 - b. Community Environmental Response Facilitation Act (P.L. 102-426)
 - c. Section 334 of the National Defense Authorization Act of 1997.

Date 3/23/00

/s/
Bradley M. Campbell
Regional Administrator